

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-10 are presently pending in this case. Claims 1 and 5-7 are amended by the present amendment. As amended Claims 1 and 5-7 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1-3 and 5-9 were rejected under 35 U.S.C. §102(b) as anticipated by Myojo (U.S. Patent Application Publication No. 20030122940); Claims 4 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Myojo in view of Tamura et al. (U.S. Patent Application Publication No. 20020048455, hereinafter "Tamura").

Initially, applicants and applicants' representatives thank Examiner Whipkey for the interview held on November 28, 2007 to discuss the present case. During the interview, differences between the claimed invention and the cited references were discussed in detail, as were proposed amendments as presented herein. Examiner Whipkey agreed that the proposed amendment appears to overcome the rejections of record.

With regard to the rejection of Claims 1 and 5-7 as anticipated by Myojo, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a creation means for creating one composite image
from an arrangement of a plurality of associated captured small
images;

***image file creation means for creating an image file
including data describing a vertical size and a horizontal size
of each of the plurality of associated captured small images in
the composite image;***

a display control means for controlling display of the
composite image; and

¹See, e.g., the specification at page 12, lines 19-24.

an extraction means for extracting a specified small image from the composite image whose display is controlled by the display control means.

Myojo describes an index image creating device that creates an index image data file 502. The index image data file 502 includes a number of image files.² The outstanding Office Action asserted that index image data 502 inherently includes a vertical size and a horizontal size of each of the image files. However, it is respectfully submitted that Myojo does not teach that index image data file 502 includes *data describing* a vertical size and a horizontal size of each included image file, and that such data is not *necessarily* included in index image data file 502 of Myojo. See MPEP §2112. Thus, it is respectfully submitted that Myojo does not teach, either explicitly or inherently, “image file creation means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-4 dependent therefrom) is not anticipated by Myojo and is patentable thereover.

Claims 5 and 6 recite in part “creating an image file including *data describing* a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image.” As noted above, Myojo does not teach, either explicitly or inherently, that index image data file 502 includes *data describing* a vertical size and a horizontal size of each included image file. Thus, it is respectfully submitted that Myojo does not teach or suggest “creating an image file” as defined in amended Claims 5 and 6. Consequently, Claims 5 and 6 are not anticipated by Myojo and are patentable thereover.

Amended Claim 7 recites in part “an image file creation unit configured to create an image file including *data describing* a vertical and horizontal size of each of the plurality of associated captured small images in the composite image.”

As noted above, Myojo does not teach, either explicitly or inherently, that index image data file 502 includes *data describing* a vertical size and a horizontal size of each

²See Myojo, paragraphs 64 and 65.

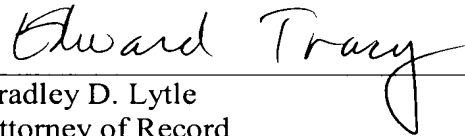
included image file. Thus, it is respectfully submitted that Myojo does not teach "an image file creation unit" as defined in new Claim 7. Consequently, new Claim 7 (and Claims 8-10 dependent therefrom) is not anticipated by Myojo and is patentable thereover.

With regard to the rejection of Claims 4 and 10 as unpatentable over Myojo in view of Tamura, it is noted that Claims 4 and 10 are dependent from Claim 1 and 7, respectively, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Tamura does not cure any of the above-noted deficiencies of Myojo. Accordingly, it is respectfully submitted that Claims 4 and 10 are patentable over Myojo in view of Tamura.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998